

# **Cornerstones for Health Information Exchange:** *A CalPSAB Symposium*

**Break-out session**  
**Mental Health**  
**October 28, 2008**  
**Facilitated by Anne Drumm**

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Sessions are taped to capture main points...



But your identity  
will not be put  
under a  
microscope!

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## Consent Alternative Review Process

- 5 alternatives to providing choice to patients for exchange of health information for treatment.
- From Opt-In with Restrictions to No Consent
- Several scenarios include Calvin P. Sab
- Pros and cons

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## 5 consent Alternatives

- **No Consent** – Patient records are accessible through HIE
- **Opt Out** - Patient records are accessible through HIE until the patient indicates records are not to be exchanged via HIE
- **Opt In with Restrictions** – After Patient opts in, only the records they indicate are accessible through HIE
- **Opt Out with Exceptions** - Patient records are accessible through HIE until the patient indicates records are not to be exchanged via HIE, however s/he can stipulate specific records remain available
- **Opt In** - Patient records are not accessible through HIE until s/he opts in to have all their records accessible through HIE

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## Process

- Privacy Committee – explore patient consent
  - Mental Health Task Group – issue specific
- Work Product will be subject of discussion
- Before we delve in.....



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- Audience Response Device
- On Your Chair
- Opportunity to Choose Alternative





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## Stakeholder Poll

Which stakeholder group do you represent?

- |                              |                      |
|------------------------------|----------------------|
| 1. Consumers                 | 6. Vendor            |
| 2. Plans/Payers              | 7. Hospitals         |
| 3. Government                | 8. Community Clinics |
| 4. Education                 | 9. Other             |
| 5. Professional Associations |                      |



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## Entrance Poll

Which consent alternative would you choose right now?

1. No Consent
2. Opt Out
3. Opt In with Restrictions
4. Opt Out with Exceptions
5. Opt In





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## PANEL MEMBERS

- **Stephanie Oprendek, Ph.D.**, California Department of Mental Health (former)
- **Judith Miller**, Los Angeles County Department of Mental Health
- **Kevin D. Dickey**, Information Security, Contra Costa County
- **Sean Rashkis, J.D.**, Disability Rights California

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**Stephanie Oprendek, Ph.D.,**  
California Department of Mental  
Health (former)

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## Panel Discussion

### Consent Alternative 1 – Judith Miller

- **NO CONSENT** (Patient auto in)
- Calvin does not have a choice; his information is in the system and may be transmitted.

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## No Consent Alternative

Calvin P. Sab is our patient.

Calvin sees his primary physician for his hypertension and

He is referred to Dr. Smith, psychiatrist at the Rosedale Community Clinic for depression



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## No Consent Option – Mental Health Setting

- Dr. Smith performs assessment. Orders lab tests through HIE.
- Calvin visits the lab and his results are posted via the HIE..
- On second visit, Dr. Smith reviews the lab results and all of Calvin's current medications via the HIE.
- Notes medications for hypertension and changes his treatment protocol to avoid adverse drug reaction.



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Calvin does not have  
negative drug  
interactions

Calvin wonders where  
his information may  
go??





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## Privacy Findings

### No Consent

- No choice for MH client. MH information being treated the same as other health information
- + Most quality of care
- + Least costly/most sustainable
- Most legal risk
- Inconsistent with CalPSAB Principles

Note: Patients may forego treatment  
Patients may withhold information

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## Secure Access to Health Information Kevin Dickey

Authentication Method: Name and Password ▾

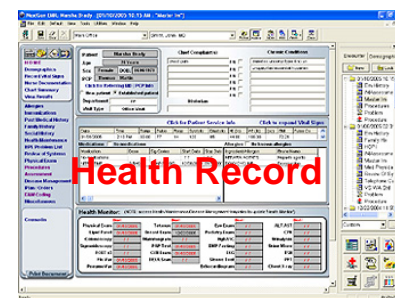
Username: user

Password: \*\*\*\*

There are two sides to an electronic exchange of health information



The patient and his health information



Access to Calvin's health information is controlled.

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## Education

- All consent options and consumer groups will require education.
- Objective: Inform, Build Trust and Confidence
- What is communicated – a “No Consent” Model
  - HIE – new concept as many do not know about it
  - Benefits to consumer and how the information will be used
  - Privacy and security features
- Challenges



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## Sean Rashkis, J.D., Consumer Perspective





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## Consent Alternative 2 Judith Miller

- **OPT OUT** (Patient auto in)
- Calvin has a choice; his information is in the system, but he can choose to not have it in
- Calvin's does nothing thus all his information remains in the HIE.

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## Electronic Prescribing Scenario with Opt Out

Remember Calvin P.  
Sab

Same as for

No Consent

Result – No negative  
drug interactions





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## Privacy Findings

### Opt Out (Patient Auto In)

- Little Patient Choice and Control
- + More quality of care
- + Less costly more sustainable
- More legal risk
- Inconsistent with CalPSAB principles

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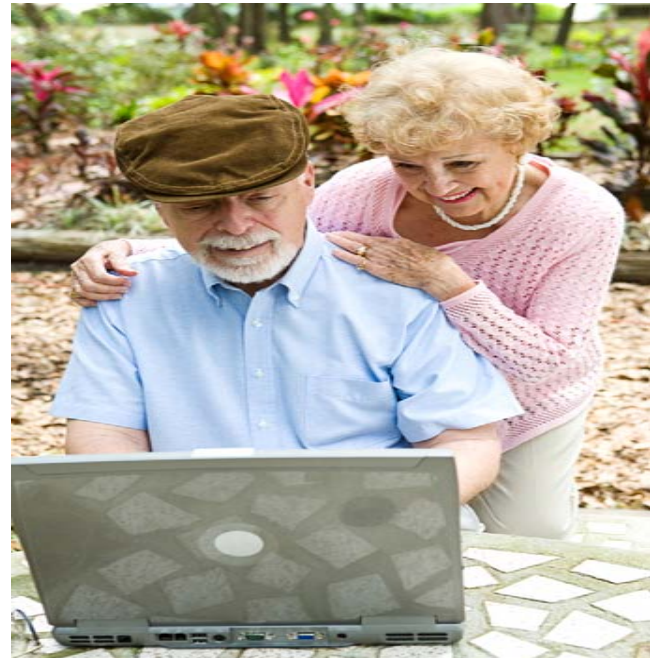
## Security

- Does not change

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## Education

- Education – same baseline components: inform, build trust and confidence.
- This consent option requires extra education effort to ensure that the consumer understands the choice.
- Challenges



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**Sean Rashkis, J.D.,**  
**Disability Rights California**  
**Consumer Perspective**



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## Consent Alternative 3

- **OPT IN with Restrictions** (Patient auto out, choice to be in, choice on what goes in)
- Calvin has a choice; his information is not in the system
- Calvin chooses to opt in except for mental health information



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- Remember Calvin
- His knee aches



- He sees an  
orthopedic doctor



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## HOSPITAL?



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## Privacy Findings

### **Opt In w/Restrictions** (Patient auto OUT plus Choice)

- + Most Patient choice
- Less quality of care
- Most costly/least sustainable
- + Less legal risk
- + Consistent with CalPSAB principles

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## Security

- More Complex = More Costly



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- Education – most complex for this option.
  - Choices can be confusing or intimidating for consumer
  - More costly to educate on
  - Education must explain the benefit of opting in with the fewest restrictions
- Challenges

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## Sean Rashkis Consumer Perspective





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## Final Polling

1. No Consent
2. Opt Out
3. Opt In with Restrictions
4. Opt Out with Exceptions
5. Opt In



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Thank you for your  
participation!!

*We'll be going back to the  
Camellia Room for  
Closing Remarks and to learn how the  
break out sessions voted.*